

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Third Legislature*

OF THE

STATE OF MAINE

1947

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

Presque Isle." (H. P. 1551) (L. D. 1181)

Bill "An Act Relating to Police Department Pensions of the City of Bangor." (H. P. 1648) (L. D. 1339)

Bill "An Act Relating to Pensions to Employees of the City of Bangor." (H. P. 1649) (L. D. 1340)

Bill "An Act Relating to Term of Office of Police Department of the City of Bangor." (H. P. 1650) (L. D. 1341)

Bill "An Act Relating to Superintendence of Schools Through Union Towns." (H. P. 1666) (L. D. 1371)

"Resolve Closing Lily Lake in Washington County to Ice Fishing." (H. P. 1668) (L. D. 1377)

Bill "An Act Regulating Fishing for Smelts in Tidewaters of East Machias River." (H. P. 1672) (L. D. 1376)

Which were severally read a second time and passed to be engrossed in concurrence.

Bill "An Act Relating to Duties of Insurance Commissioner in Directing Defective Chimneys and Other Dangerous Conditions to be Removed or Repaired." (H. P. 445) (L. D. 263)

Bill "An Act Relating to Inspection of Fire Escapes." (H. P. 446) (L. D. 264)

Bill "An Act Relating to Town, City and Village By-Laws and Ordinances Relating to Buildings and Structures." (H. P. 1188) (L. D. 778)

(On motion by Mr. Cross of Kennebec, tabled pending passage to be engrossed.)

Bill "An Act to Amend the Charter of the Ogunquit Village Corporation." (H. P. 1286) (L. D. 941)

Bill "An Act to Incorporate the Town of Bridgton School District." (H. P. 1443) (L. D. 1055)

Bill "An Act Relating to Tenure of Office of State Liquor Commission." (H. P. 1568) (L. D. 1197)

Which were severally read a second time and passed to be engrossed, as amended, in concurrence.

Bill "An Act Relating to Instruction in Scientific Alcohol Education in the Public Schools." (S. P. 343)

(On motion by Mr. Bishop of Sagadahoc, tabled pending passage to be engrossed.)

"Resolve Relating to a State-Wide Highway Planning Survey by the State Highway Commission." (S. P. 353) (L. D. 985)

Which was read a second time

and passed to be engrossed, as amended.

Sent down for concurrence.

#### Passed to be Enacted

Bill "An Act Increasing the Salary of the Judge of the Calais Municipal Court." (S. P. 162) (L. D. 401)

Bill "An Act Relating to Taxation of Domestic Fowl." (H. P. 1096) (L. D. 708)

(On motion by Mr. Noyes of Hancock, tabled pending passage to be enacted.)

Bill "An Act Relating to Removal of Superintendents of State Institutions." (H. P. 1176) (L. D. 849)

Bill "An Act to Incorporate the Town of Strong School District." (H. P. 1279) (L. D. 947)

Bill "An Act to Incorporate the Town of Gray School District." (H. P. 1290) (L. D. 949)

Bill "An Act to Incorporate the Town of Dixfield School District." (H. P. 1446) (L. D. 1051)

Bill "An Act Concerning Medical Examiners." (H. P. 1486) (L. D. 1087)

Bill "An Act Relating to Obstructions of Snow and Ice on Traveled Roads." (H. P. 1505) (L. D. 1130)

Bill "An Act Relating to Excise Taxes on Liquors." (H. P. 1562) (L. D. 1191)

Bill "An Act Relating to Application of Penalty for Liquor Violation to Subsequently Issued Licenses." (H. P. 1569) (L. D. 1198)

Bill "An Act Relating to Unclassified Service in Department of Agriculture." (H. P. 1584) (L. D. 1237)

Bill "An Act Exempting from Taxation the Property of Indians." (H. P. 1660) (L. D. 1357)

"Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Washington County to Viola Grass, of Lambert Lake." (H. P. 1659) (L. D. 1358)

#### Orders of the Day

The President laid before the Senate House Report from the Committee on Labor on Bill An Act Protecting the Right of Non-Members of Labor Organizations to the Opportunity to Work—Majority report "Ought to pass," Minority Report "Ought Not to Pass"—tabled by the Senator from Kennebec, Senator Hopkins, on April 9 pending consideration of the report, and today assigned.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, this is the first general labor bill that has been before the Senate for consideration at this session. I would like to open the discussion by repeating the statement which I made when the bill was first reported and that is that I am keenly aware of the many fine union contracts which exist between employers and employees in the State of Maine, and in so far as I am personally concerned, I shall do everything possible to work for a labor program which will protect these contracts which I know that employers and employees mutually wish.

I would also like to say in connection with this particular bill which we have before us that there is no time limit in it. It does not say how long an employee may work in an industry without belonging to a union. The reason it does not say that is because probably we shall be considering other legislation in which this matter will be a factor and any amendment which we may want to make to this bill will put the time factor into it in a way which will make it consistent with other laws which we may pass, if we do pass other labor laws.

Labor laws are not rules of warfare between employers and employees notwithstanding the attitude of many people toward them. Labor laws are rules designed to regulate, to a considerable extent at least, the productive efforts of many people, and the human effort which is put forth by people is one of the greatest, if not the greatest, single integrating force in the development of man. Since work is a great force in developing man, it is a great force in the development of society. So often people fail to recognize labor laws in this very important way.

Labor laws of course are rules which bear directly on the rights of many people to work and to prosper and they are usually considered only in that light by most people. However, they have many other and far-reaching implications. Labor laws are rules which, perhaps more than any others, can be so adjusted as to secure for each individual worker that fair share of productive wealth of all the people to which he is entitled, after giving consideration to his ability

and his effort and his training. When labor laws are not properly adjusted, the distribution of wealth becomes tremendously distorted. I think that during recent years you have seen much distortion in the earning of people which has resulted from failure to properly regulate labor unions.

In considering the bills which will come before us, the Senate must not, and I am sure it will not, become involved in consideration of the emotional struggles of the past and present between employers and employees. We should approach all labor matters objectively and analytically from the standpoint of the interest of the employer and employee and from the standpoint of the interest of the public. These are the predominating interests in labor legislation and all labor laws should be analytically studied in order that these interests may be properly considered.

We are talking about the bill before us in connection with proper development of a labor program in the State of Maine, and we can not very well consider it without saying something about the situation in regard to labor laws on the Federal level. Largely because of the interpretations which have been placed on the Federal Constitution during the last few years, many of which are not understandable to me, and I assume are not understandable to the most of the senators, even though the language of the Bill of Rights is very simple, beautiful and understandable, we have in recent years lived in what I think has been a period of very great confusion. That confusion, in my opinion, will continue until new interpretations bring about adjustments which are in keeping with our great nationally declared objective. That objective has been endorsed by every man who has held high public office in this country, insofar as I know, and it is to preserve the American way of life, which to me is the competitive system of free industry, properly regulated in a manner which protects the interests and welfare of all the people of the land. If I were to express my opinion as to the greatest single characteristic which has marked the age which we have just been passing through, I would say it has been a general disregard of that great objective in many ways by both individuals and government.

In considering any labor legislation which may come before us in this senate we must realize the situation which exists on the national level. We know full well that in industries in, or construed to be in, inter-state commerce the federal labor laws generally take precedence. This is, however, not a valid reason for not attempting to clarify the situation in so far as it is within our power to do so on the state level. Legislatures of most of the states are in session this winter. I suspect that if all state legislatures give careful considerations to labor legislation there will be many laws passed which will be of great assistance and which will bring great pressure to bear on the national Congress to clarify the labor situation.

We can, I think, safely assume that, on the national level, there will be in the reasonably near future many changes in labor laws. I am sure some of the Senators will disagree, but it is my opinion that we shall soon have to ban the closed shop on the national level. However, as I have said, that is no reason why this state should not deal with the same problem.

You are probably aware that in a recent poll of Fortune magazine the result showed that 49% of the people of this country are against all unions and only 42% favor them. This is a very unfortunate situation. Unions are entitled to the support of most of the people of the country and under proper conditions will have that support. I think that the closed shop more than any other single factor is responsible for the disrepute of labor unions in the country today. The people of the country must be and can be re-educated on the desirability of good labor unions properly regulated. Recently a Gallup Poll speaker stated before an audience in Portland, I am told, that an investigation carried on by that organization showed the people of the country to be seven to one against the closed shop. I think that investigation in itself points to the fact that the closed shop especially meets with the disapproval of the people. I am not going to speak further on the closed shop now because a little later I will deal directly with the bill before us which is an anti closed shop bill.

We can hope and expect that on a national level we will soon face the problem of corrective legis-

lation to control secondary boycott and jurisdictional disputes. When we think of some of the many things which have happened in this country as the result of jurisdictional disputes and secondary boycotts, we must realize that these are the civil war of labor and we cannot allow them to continue. We cannot entirely eliminate them on the state level because they cross state lines.

On the national level we will also have to eventually ban industry-wide bargaining, and the reasons are very clear to me. Industry-wide bargaining must of necessity act as a restraint on trade. For many years the Sherman anti-trust law has prevented producing industry from entering into nation-wide combines against the interests of the people. Had we not had that law, we should have found that the people of the country would have to pay terrific prices for certain commodities because these commodities would be produced by nation-wide combine free from competition. If the Sherman law applies to producers in order to prevent restraint of trade on the national level, it must also apply to labor unions because the same results follow nationwide bargaining by workers in industry as follows nationwide control of production by an industry.

The coal industry is not completely organized on a nationwide basis but it comes very near to being so organized. As a result we have faced national calamity several times because of agitation within that industry. It is possible for other industries just as vital to the well being of the country to be placed in the same category if labor gets complete control of those particular industries on a nationwide basis. Such bargaining entirely destroys competition. It is just as dangerous to allow a union to take control nationally of an industry as it is to give a single company exclusive right to produce. There would be no difference in the results for instance between giving one of the big automobile manufacturers exclusive right to produce all the cars of the country, and giving one union the right to bargain for and furnish all labor in that industry. There would follow excessive prices. There would no longer be competition. Automobiles would deteriorate in quality and people would suffer greatly thereby.

I think also that on a national level we shall have to face the barring of strikes where the public interest is so great that such strikes cannot be tolerated. There are many vital industries in this country which cannot be struck without the damage being so excessive that we simply cannot tolerate it, and I think we will soon have to recognize that fact.

There is one other thing which in my opinion will have to be faced on a national level and which perhaps is as important as anything which I have mentioned. We must find some way to control restrictive union rules which prevent honest and conscientious effort and efficient production. I think every one of the Senators can think of many cases in which this type of rule is costing the people of this country a tremendous amount of money. I will mention just a few of these restrictions. One that comes to my mind is the refusal of certain unions to use pipe that is threaded at the factory. Another one is the rule which requires an electrician to go on the job and press a button to turn on the power in the morning, then sit down for the rest of the day and at the end of the day press a button and turn the power off. The refusal to use factory glazed windows is another restriction that has been in common use over the country. Another is refusal to use paint guns, one of the most efficient tools that has been developed in recent years. Somebody pays the cost. There are many of these rules which must eventually be controlled.

One industry very vital to the war was investigated during the war and it was found that rules similar to those which I have pointed out could be eliminated and more commodities could be produced with half as many workers. Many of these things will be corrected, I am sure, because they must be if we are to continue in our position of leadership in the world. If we do not correct them we shall progressively become a poorer nation and our leadership will be lost.

In the bill which we have before us, we have a single issue,—the so called closed shop issue. I will not read the bill, but it says in effect that membership or non-membership in a labor organization shall not be the determining factor in securing work. Of course a closed

shop is a shop in which before one is allowed to get work in that shop he must first go to the union and become a member of the union. This means that the union boss absolutely controls the labor within that shop. I was surprised to find that only about two out of three of the employers in the state of Maine with whom I have talked during the last few months really knew what closed shop was. There are many employers in Maine who insist that there is no practical difference between a closed shop and a union shop. A union shop is a shop in which the employee must join the union after he secures the job. In the practical operation of an industry, I suppose there is no great difference between closed and union shop because in the union shop all employees must be members of the union after the initial working period.

It is a very reasonable assumption that a high percent of these 850 cards which I have received during the last three months have come from people who themselves do not know whether they are working in a union shop or a closed shop. I think if you study them you will realize that they are cards prepared on a pattern by leadership and sent in here to us. The tone of cards is that anything which we may do in dealing with labor legislation will be against the interests of these people. That, of course, is not true. I think the fact that many union members themselves are against the closed shop shows clearly that it is to their interest as much as to that of other persons to bar the closed shop.

No one in Maine, as far as I know, can tell just how many labor contracts, and which types, there are in this State. Such investigations as have been made since we met here, and they are rather limited, show that something less than 5% of the labor contracts in Maine are closed shop contracts. About 22% of the contracts are union shop contracts. Some 30% of employers have maintenance of membership contracts. Something less than five percent of employers in Maine, according to the figures which I have, have voluntary check-off. Less than five percent have labor-management committees operating within industries, and just under 40% of the employers in Maine are operating

with open shop contracts at the present time.

Now these statistics were built up on a relatively small number of contracts but they are representative and they indicate perhaps, more than we previously knew about the nature of contracts. I point out to you that less than five percent of Maine industries are operating under closed shop contract. I think that all of the Senators know fairly well where these closed shop contracts exist. They exist in the longshoreman's organization in Portland, I am told. They exist in the printers' trade in certain localities and the rest of them are pretty largely in the building trades.

Now why should these closed shops be barred? What is the philosophy behind this bill? Why is it good for employers and employees alike—and I maintain it is—to bar the closed shop? Well, the answer is quite simple. In the first place, the closed shop denies the right of free citizens to secure work of their own choosing, and that is the fundamental right in this country. I doubt very much if many of the people who are working under union contracts in Maine today, if they were unemployed, and were not members of the union and were seeking employment, would want to be required first to go and make their peace with the union leadership and secure membership in the union before taking the job. I am almost certain that if they were willing to accept such restriction on their own right to take a job, they would not be willing to accept such a restriction applied to their children as they become available for work.

The abuses in this country under the closed shop are too well known to all people, they are too well known to people who work in unions, to make them favor the closed shop, in my opinion. Many union people have been faced with the favoritisms of union leadership. Many of them have been charged excessive union fees. You may know that the admission fees in unions in this country run as high as \$1500 and those fees have to be paid with no assurance that a job will be available after the fee is paid. Those are pretty high restrictions. Where there is a closed shop, in many instances people who work are denied the right of free expression relative to their leader-

ship. That has been customary in many places in this country. Men have been fired from their jobs and unable to get other employment and have been so treated that they lost their homes and have suffered all kinds of injustices under closed shop agreements over the country.

The whole closed shop procedure is open to all kinds of injustices without any appeal by the person against whom these injustices are done. Another reason why we should bar closed shop is that labor is one of the greatest single elements in productive industry. When you take away from the person who is responsible for operating an industry the right to choose his own labor, you seriously interfere with his right to stay in competitive business, you destroy one of the important competitive features of maintaining his business, always to the detriment of the public.

The closed shop always greatly increases costs and destroys competition. It cuts production. It produces a condition whereby lower prices can almost never be effected and thereby it reduces the prosperity of all the people of the country. Some of the other results of the closed shop I would like to mention in a disconnected way.

I would like to call your attention to the age of people in the building trades. About a year ago I attended a housing conference in Boston called for the purpose of trying to correct the serious housing shortage for veterans, and statistics were given at that time to show the age of people in the building trades in New England. I do not remember the exact average age given, but it was above fifty years, because closed shop unions had not allowed the proper number of apprentices to go into those particular fields of effort, and the result had been that the average age of the workers had gone higher and higher. Of course the amount of production per worker had become less and less. I do not see how we can possibly get young men into any industry if we permit conditions whereby the closed shop can control the number of apprentices.

You perhaps remember reading last winter in the paper that the masons in New York threatened to strike and demanded a full week's

wage for 30 hours work. The reason they gave was that they were so old that they could no longer work more than 30 hours a week. That is the result of the closed shop and that type of activity has practically priced out of the market brick-laying in some parts of the country today. The cost of building has climbed very greatly due to a considerable extent to the closed shop.

It has increased greatly in the State of Maine. All of the Senators as well as myself believe in high wages. We want high production. On the other hand we want wages always to be consistent with the relative value of the work done by every worker.

I want to mention the schedule of wages as they exist in the building trade today in the State of Maine. I think you will be interested in them. Canvassing the four largest areas to see what closed shop has done for wages, I found the average wages in those areas for a forty-eight hour week for masons is \$97.25 and the wage runs as high as \$136.50 a week. In some areas travel time is allowed so that the production hours are six instead of eight. Carpenter wages average for a 48 hour week \$71.25; plumbers, \$85.80; electricians, \$72.80; or an average for the four classes of workers, of \$80.75.

I do not point to these figures because I think that on an average they are greatly excessive, but rather to attract your attention to the fact that in one group where the closed shop union has been able to hold the apprentices out to a greater extent than the others the wage has increased to more than \$125 a week. This is against the interests of the state and all the people of the state.

Perhaps I should say nothing further on this bill. I don't want to delve in the emotional side of labor and recount the injustices done against labor unions, or by labor unions, or anything of that sort. I have tried to make an analytical approach to the needs for the bill which we have before us. I think we must pass this bill or some similar bill because we must allow apprentices to come into jobs in the areas where restrictions now exist. We must preserve the right of the individual citizens to accept a job. What you will do in regard to setting up protection for workers and requirements for them to join

unions will be considered by you in a later bill. I think this bill is good business for the unions, for the employers and for the State of Maine.

Mr. President, I move the adoption of the "Ought to Pass" report.

Mr. HASKELL of Penobscot; Mr. President and Members of the Senate, as a member of the Labor Committee, I was among the eight who signed the majority Ought to Pass Report, and in new draft, I think the bill is nearly correct. As you know, the original bill that was presented to the Committee provided that no person shall be denied the opportunity to obtain or retain employment because of membership or non-membership.

In the redraft, which is the bill before us today, the Committee submits to you these words, "No person shall be denied the opportunity to obtain employment."

I was convinced, and I suspect others on the committee were convinced, that those words serve to protect the union shops. Now, as Senator Hopkins has told you, there is great confusion concerning the degrees of union security granted in union contracts. They fall into three general groups, the closed shop, the union shop, and the open shop. A substantial part of Maine industry, in my opinion, operates with union shop contracts. And by that, I mean a substantial number of organized employees operate with union shop contracts. I won't recite many of them. I'll refer to the pulp and paper industry which has an excellent record in the State of Maine, and which generally operated on a union shop contract.

If I go in to the manager and ask for a job, I am told very frankly, if I go to work there, after a reasonable probationary period, 30 days, I think is general in the paper industry, in our utility industry it is six months, then as a condition of employment, I must join the union. Many employers have voluntarily granted that type of union security to all organized employees. And their thinking is this, that once a majority of employees wish to be represented in collective bargaining by a union of their own choosing, then maybe it is fair to provide that all of the employees in the plant participate in the costs of that organization. I am one who thinks that is eminently fair. I am also one who believes that without that



provision you will have a minority in your plant that can cause a great deal of trouble.

I had the privilege of serving as a management representative of a war labor board for a few years, and I could recite to you many dispute cases which came before that board that had as their basic origin the dissatisfaction by a minority within the plant, and for that reason the War Labor Board adopted as a nationwide program a maintenance of membership with an escape clause, and that simply said that when the union contract is signed, we will say it is January 1st, every employee in that plant was given a 15-day period in which he made up his mind whether or not he wanted to continue in the union for the duration of the contract. Those who did stay in were required as a condition of employment to pay their dues.

I think that was a sound procedure, because in those shops that did not have that provision, the aggrieved union member could go to his shop steward and recite a grievance. If he had no substantiating evidence, he could well say to that steward, "If you don't take my grievance up, I am going to get out of the union." And if grievances came up with dozens of others, it would make for unhappy labor relations. On the other hand, in the union shops, responsible labor leaders wouldn't listen to the unreasonable requests of their members, and they could be well protected, in that they did have the union shop. So, if the bill protects the successful labor relations that exist in the State of Maine in the union shops, I have no fault with it. In voting for it, I thought that it did that.

There is, however, a doubt in my mind, and I think there may be a doubt in the minds of some others since the Senator from Kennebec, Senator Hopkins, has indicated that somewhere along its passage the bill will insure the protection of the union shops that many of us from the management side of labor relations want continued. And I think many of us are a little bit hesitant in agreeing that the legislature should tell us, as employers, that despite your own good judgment in how you deal with your own unions, you can't have a union shop.

I just wondered whether or not the legislature has that moral right.

I grant that you can do it. But I am a little hesitant in wondering whether it is the thing you want to do. So, on the implied assurance from the Chairman of the Committee that somewhere along this line this bill is going to be amended to insure the fact that we will have our union shops, I am going to vote for it, but it is with the thought that before it is enacted into law, the union shops will have protection.

Mr. HOPKINS: Mr. President and Members of the Senate, I just rise to say that it isn't implied assurance as far as I am concerned. I pledge myself to say that I want to see this bill amended and be consistent with any other legislation that we may pass, and to protect the union shops in Maine, which I believe in, and which I know employers and employees want in large numbers.

Frankly, I will confess that when the Committee first considered the bill, I thought that perhaps the bill as written would cover the situation, if and providing we should pass some other bill setting up regulated procedures for union shops and establishing a time period which a man would have after securing employment before he joined the union.

I have since become convinced that that is not the case. The two bills must be made consistent, provided the second bill should be favorably reported and acceptable to the legislature.

Mr. MORRILL of Cumberland: Mr. President, I rise for the purpose of being recorded in favor of this bill with the understanding that the debate this morning is limited solely to the proposition of a closed shop.

A viva voce vote being doubted, a division of the Senate was had.

Twenty-two having voted in the affirmative and four opposed the motion prevailed and the Majority Report of the Committee "Ought to Pass" was adopted in concurrence, the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Dunbar of Washington, the Senate voted to take from the table Senate Report from the Committee on Judiciary on initiative petitions proposing to the Legislature An Act to Protect the Right to Work and to Prohibit